

**Remarks:**

**Amendments to the Specification**

Various amendments to the specification have been made in view of the amendments to the drawings. Specifically, paragraphs [0019], [0020] and [0021] have been amended and paragraph [0021.1] has been added. Applicants respectfully submit that no new matter has been added by these amendments.

**Amendments to the Drawings**

The drawings have been amended to include previously omitted reference numbers in Figure 1, and to include a block diagram of an embodiment of a gearbox actuation system in Figure 2. Applicants respectfully submit that no new matter has been introduced by these amendments.

**The Objection to the Drawings**

Applicants have cancelled 'gearshift forks' from Claim 10, thereby rendering this objection moot as it pertains to this claimed feature. Applicants courteously submit that the remaining claimed features are shown in the figures and described in the specification. Reconsideration and withdrawal of this objection is appropriate and respectfully requested.

**The Rejection of Claims 9-22 Under 35 U.S.C. § 112**

Claims 9-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Examiner has asserted that Claims 9-22 contain subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

Applicants courteously submit that the condition of the engine, *i.e.*, running or not running, is not germane to the claimed invention, as the present invention is operatively arranged to function when the engine is in gear, regardless of engine running conditions. In short, "the

engine is in gear” merely means that a gear is engaged and not disengage. Support for this can be found in paragraphs [0006] through [0008], [0014], [0015], [0017] and [0020].

Accordingly, withdrawal of the rejection of Claims 9-22 under 35 U.S.C. § 112 is appropriate and respectfully requested.

#### The Rejection of Claim 9 Under 35 U.S.C. § 102(b)

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,861,803 (*Issa*). Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

Applicants courteously submit that *Issa* teaches a shift control system for manually shifting an electronically controlled automatic transmission, however fails to disclose a means or method for adjusting the shift control system. In particular, there is disclosure to include means of adjusting the shift control system by means of a reference travel.

The Examiner stated in item number 11 of the Office Action dated September 13, 2006: “*Issa* shows a gearbox [sic] actuation (Fig. 1) comprising means (transmission controller 160 for adjusting at least one reference travel (gear speed ratio) when an engine is in gear (when the engine speed is above 6300 rpm, the transmission controller 16 will shift the transmission 12 for a 1-2 and 2-3 upshift).” Again, Applicants courteously submit that *Issa* fails to disclose a means or method for adjusting the shift control system, and in particular fails to disclose an adjustment or correction of a reference travel. In fact, *Issa* merely mentions that “[m]anual transmissions generally include mechanical mechanisms for coupling rotating gears to produce different ratio outputs to drive the wheels[, while] [a]utomatic transmissions are designed to take automatic control of the frictional units, gear ratio selection and gear shifting”. (Col. 1, lines 29-34). Applicants courteously submit that aside from this brief reference to gear ratios in the ‘BACKGROUND OF THE INVENTION’, *Issa* is silent regarding any further description of gear ratios. Therefore, it generally follows that *Issa*’s ‘gear speed ratio’ can not be ‘at least one reference travel’ as taught in Applicants’ disclosure. Furthermore, Applicants respectfully assert that *Issa*’s ‘gear speed ratio’ is not ‘at least one reference travel’ since *Issa*’s ‘gear speed ratio’ is not adjusted or corrected to a reference value/position as taught in the instant application.

Moreover, *Issa* is limited to upshifting and downshifting an automatic transmission when an engine is in gear and running above 6300 revolutions per minute (RPM) (or any other predetermine speed as discussed in Col. 5, line 57). Contrarily, the present invention is directed at adjusting at least one reference travel when an engine is in gear, regardless of engine conditions. Applicants courteously assert that *Issa*'s disclosure of upshifting and downshifting is quite different from the instant application's adjusting at least one reference travel, and as described *supra*, the engine in the present invention need not be running above 6300 RPM or at any other predetermined RPM.

Accordingly, withdrawal of the rejection of Claim 9 under 35 U.S.C. § 102(b) is appropriate and respectfully requested.

### **Conclusion**

For all the reasons outlined above, Applicants respectfully submit that the claims are patentable over the cited reference and in condition for allowance, which action is courteously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Atkinson', with a long horizontal line extending to the right.

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 1 and the addition of new Figure 2. This sheet, which includes Figures 1 and 2, replaces the original sheet including Figure 1. In Figure 1, previously omitted references numbers have been added, while in Figure 2, further embodiments of the instant invention are shown and described.

Attachment: Replacement Sheet

Attorney Docket No.: 1243.LUKP:125US  
Application No. 10/711,848  
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Reply to Office Action of September 13, 2006

## **APPENDIX**